

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE LAMB, JR, and TRACY LAMB,)	Case No. 3:17-cv-28
h/w,)	
)	
Plaintiffs,)	JUDGE KIM R. GIBSON
)	
v.)	
)	
RICHARDS SNOW AND ICE)	
REMOVAL, and SAMUEL RICHARDS,)	
)	
Defendants.)	

MEMORANDUM ORDER

On December 12, 2018, Defendants filed a Motion to Compel Employment File of Plaintiff, George Lamb Jr. (ECF No. 28). In this Motion, Defendants indicate that in February 2018, they requested Mr. Lamb's employment file from Plaintiffs. (*Id.* ¶ 6.) However, on May 25, 2018, Plaintiffs counsel provided that he would not be producing the employment file. (*Id.* ¶ 7.) Defendants now seek to compel the production of the employment file based on its purported relevance. (*Id.* ¶¶ 9-12.) In Plaintiffs' response (ECF No. 35), Plaintiffs argue that Defendants' Motion is untimely, overly broad, and unduly prejudicial (*id.* at 1).

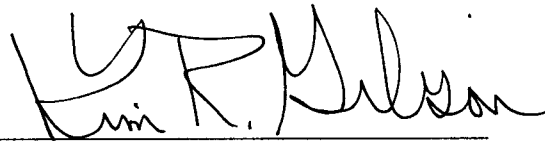
District courts are given significant discretion when adjudicating discovery requests and objections. See *Sanders v. Sec'y Pa. Dep't of Corr.*, 602 F. App'x 54, 57 (3d Cir. 2015) (acknowledging the "the discretion afforded a District Court adjudicating discovery requests"); *Canterna v. United States*, 319 F. App'x 93, 97 (3d Cir. 2008) ("It is well recognized that 'the scope and conduct of discovery are within the sound discretion of the trial court' . . .") (citing *Marroquin-Manriquez v. I.N.S.*, 699 F.2d 129, 134 (3d Cir. 1983)); *Stich v. United States*, 730 F.2d 115, 118 (3d Cir. 1984) ("The

substantial discretion granted to trial courts on discovery motions should not be lightly disturbed”).

Here, this Court exercises this discretion to deny Defendants’ Motion to Compel as untimely. *See Celgene Corp. v. Centocor, Inc.*, No. Civ.A. 03-5978, 2006 WL 305431, at *1 (E.D. Pa. Feb. 8, 2006) (denying a motion to compel as untimely when the motion was filed months after the close of fact discovery). Fact discovery in this case closed on April 30, 2018 (ECF No. 19), and Defendants have known since May 2018 that Plaintiffs would not be producing the employment file (ECF No. 28 ¶ 7). However, Defendants did not file the present Motion until December 2018, over six months later, and they have provided no justification for this significant delay. Furthermore, this Court held a post-discovery status conference on June 11, 2018, at which time Defendants failed to bring up this discovery issue. Finally, trial is set to begin in a little over a month, and, “at some point, discovery in this case—as in any other case—must end.” *See Celgene Corp.*, 2006 WL 305431, at *2.

NOW, this 21st day of December, 2018, it is **HEREBY ORDERED** that Defendants’ Motion to Compel Employment File of Plaintiff, George Lamb Jr. (ECF No. 28), is **DENIED**.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE